



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Sara L. Hensley

SUBJECT: SEE BELOW

DATE: 05-10-04

Approved

Date

COUNCIL DISTRICT: Citywide

SNI AREA: N/A

SUBJECT: PROPOSED REVISIONS TO CHAPTER 7.08 OF TITLE 7 OF THE SAN JOSÉ MUNICIPAL CODE TO DEFINE NEW TERMS, CHANGE THE PET LIMIT, AND REGULATE ANIMAL RESCUE ORGANIZATIONS

RECOMMENDATION

Approval of an ordinance amending Chapter 7.08 of Title 7 of the San José Municipal Code in order to define adult dog or cat; define animal rescuer; increase the number of adult dogs and cats to a combined maximum of five per household and create an exemption from the pet limit for animal rescuers; regulate animal rescuer registration and the maintenance of a valid animal rescuer registration.

BACKGROUND

Pursuant to the San José Municipal Code Section 7.08.595, a person cannot own more than two adult (i.e. over four months of age) cats or dogs. Other jurisdictions in California have established the following pet limits:

<u>City and County of San Francisco</u>	3 dogs and 1 cat, or 3 cats and 1 dog
<u>City of Oakland</u>	No limits on cats or dogs
<u>County of Los Angeles</u>	3 dogs and/or 3 cats (total of 6)
<u>City of San Diego</u>	6 dogs, no cat limit
<u>City of Sacramento</u>	3 dogs, no cat limit

Historically and in the City of San José, pet limits were enacted to control pet overpopulation, prevent public nuisances, and discourage animal hoarding. In addition, these concerns are mitigated through enforcement of alternative sections of the San José Municipal Code that address issues such as noise, animals running at large, and animals being kept in unsanitary conditions. The San José Municipal Code also regulates the proper care of cats and dogs by requiring pet owners to obtain rabies vaccination, veterinary care, and licenses for their dogs and cats.

The City of San José contracts with the Humane Society Silicon Valley to shelter animals picked up within the City limits. In Fiscal Year 2002-2003, the Humane Society housed 15,246 stray animals brought in by the City of San José Animal Care and Services Division and of those incoming stray animals, 10,366 (68%) were euthanized.

In the Bay Area, rescue groups comprise a vast network of volunteers who work with dogs, purebred animals, or both dogs and cats. These rescue groups generally share one goal and that is to place these animals in new and permanent homes and in turn decrease the number of animals euthanized.

ANALYSIS

The proposed ordinance reflects a strategy to lower the number of animals in the shelters and increase the number of animals placed in quality homes. Set forth below is a brief discussion of the revisions:

Pet Limit

Currently, the residents who might otherwise adopt well-adjusted cats and dogs are unable to because of the pet limit law. Animal rescue groups are often reluctant to work with the City of San José because they are aware of the pet limit law and fear enforcement. Specifically, animal rescue groups are concerned about the number of animals they care for in their homes and the requirement to license any adult animals that are found in their care.

The adoption of the amendment to Section 7.08.595, which increases the number of pets per household and creates an exemption for animal rescuers, will increase the ability of residents to take in unwanted pets and allow animal rescue groups to work more closely with the City. In effect, the change in pet limits will decrease the number of animals in the shelter and the number of animals ultimately euthanized.

Animal Rescue

The adoption of Sections 7.08.596 and 7.08.597 to the San José Municipal Code will address the permitting of animal rescuers and the proper maintenance of animal rescuer registration. The San José Municipal Code does not have any provisions for regulating animal rescuers. Animal

rescuers can be positive partners in the care of animals because they create space for the temporary housing and training of animals. Animal rescue organizations are critical to any efforts to lower the rate of animal euthanasia in the City of San José. Good examples of cooperative efforts between animal control and animal rescue organizations can be seen in areas as diverse as Maricopa County, Arizona; and New York City, New York.

Under the proposed Section 7.08.596, animal rescuers must show verifiable association with a California not-for-profit organization qualified under the Internal Revenues Code Section 501(c)(3), a history of placement, location and names of persons providing the rescue work, and agreement to conditions reasonably necessary for the proper care and maintenance of the animals. Last, the proposed Section 7.08.597 will allow the City of San José to control any negative impacts on neighborhoods such as noise and improper care by removing their registration and, if necessary, enforcement of public nuisance laws.

Alternative sections of the San José Municipal Code will be used to address potential public nuisance issues. In the past, prohibitions on pet owner behavior such as owners permitting their animals to run loose, threaten the welfare and safety of the community, or otherwise create a public nuisance, have been effective and are often easier to enforce than pet limits alone.

Finally, the adoption of Sections 7.08.015 defining adult dogs and cats and 7.08.045 defining animal rescuer will clarify the existing and new sections.

COST IMPLICATION

There are no additional costs as a result of these changes and it is expected the increase in licenses and adoptions will also increase revenue to the City of San José.

PUBLIC OUTREACH

This ordinance was circulated and endorsed by the Animal Advisory Committee at its January 7, 2004 meeting. A public hearing was held at the Parks and Recreation Commission meeting of May 5, 2004.

COORDINATION

This memorandum was coordinated with the City Attorney's Office and the City Manager's Budget Office.

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Subject: Pet Limits and Animal Rescue Ordinance Amendment

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CEQA

Not a project.

SARA L. HENSLEY
Director of Parks, Recreation
and Neighborhood Services